

Hearing Date: June 15, 2022
Objection Date: April 15, 2022
Reply Date: May 16, 2022

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

BORDIER & CIE,

Defendant.

Adv. Pro. No. 12-01695 (CGM)

ORAL ARGUMENT REQUESTED

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Bordier & Cie's Motion to Dismiss the Complaint in the above-captioned action, the Declaration of Lauren J. Pincus dated as of the date hereof and exhibits thereto, and all prior pleadings and proceedings herein, Defendant Bordier & Cie ("Defendant") will move this Court for an order dismissing the Complaint filed by Irving H. Picard, Trustee for the

Liquidation of Bernard L. Madoff Investment Securities LLC, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, Defendant does not consent to the entry of final orders or judgment by this Court.

Dated: February 14, 2022
New York, New York

Respectfully Submitted,

ALLEGAERT BERGER & VOGEL LLP

By: /s/ John F. Zulack

John F. Zulack

Lauren J. Pincus

111 Broadway, 20th Floor

New York, New York 10006

Tel. No.: 212-571-0550

Email: jzulack@abv.com

Email: lpincus@abv.com

Counsel for Bordier & Cie